| Case 1:05-cv-01322-GEL Document 2 UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YOR | DOCUMENT ELECTRONICALLY FILED DOC #: DOC #: 10.0236 FILED: 10.02365 |
|--|---|
| MARVIN BERNSTEIN, et al., | Company or an analysis and an |
| Plaintiffs, | 05 CIVIL 1322 (GEL) |
| -against- | JUDGMENT |
| GEORGE E. PATAKI, et al., Defendants. | |
| Defendants having moved to dismiss the com | plaint, while plaintiffs having moved to certify |
| a class, and the matter having come before the Hono | orable Gerard E. Lynch, United States District |
| Judge, and the Court, on December 13, 2005, hav | ing rendered its Opinion and Order granting |
| defendants' motion to dismiss and denying plaintiff | 's' motion for class certification as moot, it is, |
| ORDERED, ADJUDGED AND DE | ECREED: That for the reasons stated in the |

Court's Opinion and Order dated December 13, 2005, defendants' motion to dismiss is granted and plaintiffs' motion for class certification is denied as moot; accordingly, the case is closed.

Dated: New York, New York December 23, 2005

J. MICHAEL McMAHON

Clerk of Court

BY:

Deputy Clerk

THIS DOCUMENT WAS ENTERED ON THE DOCUMENT ON _____

Office of the Clerk U.S. Courthouse 500 Pearl Street, New York, N.Y. 10007-1213

| 500 Pe | earl Street, New York, N.Y. 1000 | 77-1213 | | |
|--|---|--|--|------------------------|
| | Date: | | | |
| | In Re: | | | |
| | | -V- | | |
| | Case #: | (|) | |
| Dear Litigant, | | | | |
| Enclosed is a copy of the jud | gment entered in your case. | | | |
| Your attention is directed to R that if you wish to appeal the judgme date of entry of the judgment (60 day party). | | notice of appea | al within 30 days o | f the |
| If you wish to appeal the jud within the required time, you may may of Fed. R. App. P. 4(a)(5). That rule failure to file your notice of appeal we other parties and then filed with the Pr (90 days if the United States or an of | e requires you to show "excusab ithin the time allowed. Any such ro Se Office no later than 60 days | time in accord ole neglect" or a motion must from the date of | ance with the provi "good cause" for first be served upon of entry of the judgi | ision your n the |
| The enclosed Forms 1, 2 and them if appropriate to your circumsta | 1 3 cover some common situation ances. | ns, and you ma | ny choose to use or | ie of |
| The Filing fee for a notice of the "Clerk of the Court, USDC, SDN accepted. | f appeal is \$5.00 and the appellat Y" by certified check, money or | | | |
| | J. Michael | McMahon, C | lerk of Court | |
| | by: | | | |
| | | , | Deputy Clerk | |
| | | | | |

Office of the Clerk
U.S. Courthouse
500 Pearl Street, New York, N.Y. 10007-1213

| | | Y | | | |
|---------------------------------|-------------------|---------------------|------------|-----------------------|---------------------|
| -V- | | | | EE OF APPEA | L |
| | | | civ. | () | |
| | | | | | |
| Notice is hereby given | that | | (party) | | |
| hereby appeals to the United St | ates Court of App | eals for the | | it from the Jud | gment [describe it] |
| entered in this action on the _ | day | of | | ,(year) | <u> </u> |
| | (day) | (1 | nonth) | (year) | |
| | | _ | | (Signature) (Address) | |
| | | _ | (City, Sta | te and Zip Code) | |
| Date: | | (|)(Tel | ephone Number) | |

<u>Note</u>: You may use this form to take an appeal provided that it is <u>received</u> by the office of the Clerk of the District Court within 30 days of the date on which the judgment was entered (60 days if the United States or an officer or agency of the United States is a party).

FORM 1

APPEAL FORMS

Office of the Clerk U.S. Courthouse 500 Pearl Street, New York, N.Y. 10007-1213

| X | | | |
|--|---|---------------|------------------------|
| -V- | MOTION FOR EXTENSION OF TIME TO FILE A NOTICE OF APPEAL | | |
| X | civ. | () | |
| Pursuant to Fed. R. App. P. 4(a)(5), | (party) | | _ respectfully |
| requests leave to file the within notice of appeal out | 4 57 | | |
| desires to appeal the judgment in this action entered | | - | rty) Tailed to file |
| notice of appeal within the required number of days b | ` • · | | |
| | | | |
| | (Sign | ature) | |
| | (Addi | ress) | |
| | (City, State | and Zip Code) | |
| Date: | () (Telephon | e Number) | |

<u>Note</u>: You may use this form, together with a copy of Form 1, if you are seeking to appeal a judgment and did not file a copy of Form 1 within the required time. If you follow this procedure, these forms must be <u>received</u> in the office of the Clerk of the District Court no later than 60 days of the date which the judgment was entered (90 days if the United States or an officer or agency of the United States is a party).

FORM 2

Office of the Clerk
U.S. Courthouse
500 Pearl Street, New York, N.Y. 10007-1213

| λ | ζ |
|--|---|
| -V- | NOTICE OF APPEAL AND MOTION FOR EXTENSION OF TIME |
| X | civ. () |
| Notice is hereby given that the United States Court of Appeals for the Second | hereby appeals to (party) Circuit from the judgment entered on |
| In the event that this form was not received | d in the Clerk's office within the required time |
| | ully requests the court to grant an extension of time in |
| this Court's judgment was received on | (party) states that and that this form was mailed to the ate) |
| | (Signature) |
| | (Address) |
| | (City, State and Zip Code) |
| Date: | () (Telephone Number) |

<u>Note</u>: You may use this form if you are mailing your notice of appeal and are not sure the Clerk of the District Court will <u>receive</u> it within the 30 days of the date on which the judgment was entered (60 days if the United States or an officer or agency of the United States is a party).

FORM 3

Office of the Clerk U.S. Courthouse 500 Pearl Street, New York, N.Y. 10007-1213

| | ${f v}$ |
|-------------------------------|--|
| -V- | AFFIRMATION OF SERVICE |
| | civ. () |
| I, | , declare under penalty of perjury that I have |
| served a copy of the attached | |
| | |
| upon | |
| | |
| whose address is: | |
| | |
| | |
| Data | |
| Date:New York, New York | |
| | (Signature) |
| | (Address) |
| | (City, State and Zip Code) |

FORM 4